

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – Handlooms and Textiles Department – Absorption of certain teaching staff of Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri, Nellore District against the posts – Orders - Issued .

INDUSTRIES AND COMMERCE (TEX) DEPARTMENT

G.O.Ms..No. 209

Dated 01-09-2009.

Read the following:-

1. From the Commissioner and Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad, Lr.Rc.No.7479/2000-E2, dated 17-3-2006.
2. The Hon'ble APAT, Hyderabad Orders, dated 25-1-2006 in O.A.No.3047 of 2000 , dt.21-1-2006.
3. Orders of Hon'ble A.P.A.T., Hyderabad in O.A.No.3072/2000, dated 25-01-2006.
4. Orders of Hon'ble A.P.A.T., Hyderabad in O.A.No.3076/2000, with VMA No.595/2001, dated 25-01-2006
5. From the Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad, Lr.Rc.No.2959/2007/E1, dated 16-10-2008.
6. Government Memo.No.4179/Tex.1/2006-12, dated 16-1-2009.
7. From the Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad, Lr.Rc.No.2959/2007/E1, dated 12-02-2009.

ORDER:

In the reference 1st read above, the Commissioner and Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad has stated that the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad passed orders disposing O.A.No.3047 of 2000 filed by Sri S.Giridhar Rao, Assistant Designer, Office of the Sri Pragada Kotaiah Memorial Indian Institute of Handloom Technology, Venkatagiri, Nellore District; O.A.No.3072 of 2000 filed by Sri A.N.Gowreesan, Lecturer (Textiles) Office of the Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri, Nellore District; O.A.No.3076 of 2000 filed by Sri G.Harinath Babu, Demonstrator (Dyeing) Office of the Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri, Nellore District, with a direction to the respondents to consider the representation of the applicants for absorption and pass appropriate orders in accordance with law. Accordingly, the Principal, Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri has forwarded the representations of 3 applicants to consider the request of the individuals for absorption.

2. The Commissioner and Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad has stated that all the three individuals were taken on deputation from APCO /APTEX and posted to work in the teaching posts of Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri in the year 1992 vide Procdgs. Rc.No.10559/92-E1, dated 25-7-1992. The applicant along with other similarly placed persons who are on deputation in the institute made a representation to the Principal on 2-3-1994 requesting for their absorption. The Institute has forwarded the 3 representations to the Commissioner and the same have been submitted to the Government. But in the meanwhile the Government have issued

(PTO)

G.O.Ms.No. 282, Industries and Commerce (Tex) Department, dated 20-9-1999 framing Special Rules for the Indian Institute of Handloom Technology Services. The Principal of Institute issued a notification, dated 12-6-2000 inviting applications from the candidates for filling up of various posts including lecturer posts for direct recruitment in terms of special rules issued in G.O.Ms.No.282, Industries and Commerce (Tex) Department, dated 20-9-1999. The applicants challenged the said notification as arbitrary and illegal. The Government subsequently issued Memo No.23582/Tex.1/2003-3, dated 19-3-2001 calling up on the Principal of the Institute to cancel the notification issued for filling up the posts notified. The applicants were selected for the teaching posts and were taken on deputation for a period of (2) years and they were extended from time to time. They were never given any hope or promise for absorption on permanent basis in the institute. They were informed that their services were taken on deputation on purely temporary basis. Further the Act 14 of 1997 clearly prohibits absorption of the employees of Public Sector undertaking into public services.

3. The Commissioner and Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad has further stated that the teaching posts of Lecturer/Demonstrator / Assistant Designer in Indian Institute of Handloom Technology, Venkatagiri are governed by Indian Institute of Handloom Technology Special Rules issued under G.O.Ms.No.282, Industries and Commerce (Tex) Department, dated 20-9-1999. The method of recruitment to the teaching posts is prescribed in the said rules. There is no provision either in the said rules that the employees of Public Sector Undertakings or Corporation and Co-operatives can be absorbed into the Government Service. Moreover, the Act 14 of 1997 also prohibits such absorption of the employees of Public Sector Undertakings into the public service. So soon after Act 14 of 1997 came into force, continuation of the Applicants on deputation basis at borrowing unit is contrary to the said Act. He has also stated that in the Orders, dated 25-1-2006 in O.A.No.3047 of 2000 and O.A.No. 3076 of 2000, the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad has observed that, since the applicants representation is still pending consideration before the respondents for absorption, it is for the respondents to take a decision taking all the relevant factors into consideration on the representation filed by the applicant for absorption.

4. The Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad has requested the Government to issue necessary orders for absorption of the above mentioned (3) individuals in the Indian Institute of Handloom Technology (I.I.H.T.), Venkatagiri against the posts in which they are presently working, keeping in view of the qualification possessed, length of service and experience and satisfactory services of the individuals, so as to enable them to work for the improvement of the Organization.

5. After careful examination, Government have decided to absorb the following (3) employees in Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri in the posts mentioned against each as recommended by the Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad :-

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|----------------------|-----|-----------------------|
| (1) A.N.Gowreesan | --- | Lecturer (Textile) |
| (2) S.Giridhar Rao | --- | Assistant Designer |
| (3) G.Harinadha Babu | --- | Demonstrator (Dyeing) |

(Contd....)

6. Accordingly, Government hereby order to absorb the following (3) employees absorbed in Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri in the posts mentioned against each as recommended by the DH&T, Hyderabad :-

- | | | |
|-----------------------|-----|-----------------------|
| (1) A.N.Gowreesan | --- | Lecturer (Textile) |
| Lecturer (Textile) | | |
| (2) S.Giridhar Rao | --- | Assistant Designer |
| Assistant Designer | | |
| (3) G.Harinadha Babu | --- | Demonstrator (Dyeing) |
| Demonstrator (Dyeing) | | |

7. The Director of Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad is requested to take necessary action accordingly.

8. This order issues with the concurrence of Finance (P.C.III) Department, vide their U.O.No.14987/285/A1/PC.III/09, dated 30-06-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y.SRILAKSHMI,
SECRETARY TO GOVERNMENT.

To
The Director of Handlooms and Textiles and Development
Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad
The individuals through the
Director of Handlooms and Textiles and Development
Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad
The Principal,
Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri ,
Nellore Dist.

Copy to:-

The P.S to the Additional Secretary to Chief Minister
The P.S. to Minister for Finance
The P.S to Minister for Handlooms and Textiles.
The P.S to Chief Secretary to Government.
The Finance (PC) Department
The Public Enterprises Department.
The Law Department.
The Registrar,
Andhra Pradesh Administrative Tribunal, Hyderabad.
The P.S to Secretary to Government,
Industries and Commerce Department
Copy to SF/SC.

// FORWARDED BY: ORDER//

SECTION OFFICER.